

POLICY

Residential juvenile justice facilities providing education services must identify each youth with disabilities that may impact their education, evaluate those disabilities, and provide appropriate measures to support the youth.

PURPOSE

To protect the civil rights of each youth and prohibit discrimination against individuals with disabilities.

DEFINITIONS

See JRG, JJ Residential Glossary.

**RESPONSIBLE
PARTY**

Facility director or designee and members of the section 504 committee.

PROCEDURE

Each facility providing on-site educational services must develop and implement a written procedure relating to section 504 eligibility. This procedure must contain the following requirements:

**Facility Section
504 Committee**

The facility director must appoint a facility section 504 committee in writing. The facility director, school administrator, or designee must serve as the committee chairperson and must convene and document committee meetings.

The committee must screen the records of each new admission to identify any youth with a disability. The committee must also review referrals from staff for other youths suspected of having a disability.

The committee must exert reasonable efforts to obtain the consent of the parent(s)/legal guardian before conducting an evaluation of any youth. Record review screenings conducted incident to youth admission do not require the permission of the parent(s)/legal guardian.

When a youth is referred under section 504, the committee must provide a written invitation to the parent(s)/legal guardian and the

youth to participate in the meeting. The committee must advise the youth and the parent(s)/legal guardians of their rights, procedural safeguards, and due process procedures.

Note: Consent is not required if parental rights have been terminated or the parent(s)/legal guardian cannot be located after use of reasonable efforts. Reasonable efforts may be considered as multiple attempts over a 15 day period to contact the parent(s)/legal guardian by telephone, certified mail, or personal visit.

Note: In cases where parental rights have been terminated or no parent(s)/legal guardian can be located after reasonable documented efforts to make contact, see JR4 421, Appointment and Training of Surrogate Parents.

Committee members unable to attend a 504 meeting must provide written input on matters to be discussed to the committee chairperson at least one day prior to the meeting.

The committee must consider the youth's current performance, school history, and related records. Selected areas for review must include all of the following:

- Instances where the youth is suspended for 10 or more cumulative days during a school year.
- Repeated school grade retention.
- Demonstration of a pattern of poor school performance, and/or not benefiting from instruction or educational interventions.
- Reported chronic health problems or serious illness (for example, asthma).
- Medical treatment, including psychotropic or other medications that impact the youth's school performance.
- When the youth is evaluated and determined ineligible for special education.
- Any youth who was considered eligible for special education services in the past.
- Any youth receiving psychiatric services or who has a history of substance abuse.

**Student
Accommodation
Plan**

The 504 committee chairperson must immediately notify the parent(s)/legal guardian in writing when referrals are submitted to the 504 committee. The chairperson must also notify the parent(s)/legal guardian of findings and proposed actions to be taken (for example, education, educational services).

The evaluation of each youth must include multiple assessments to address the youth's educational needs and services. The committee must review pertinent data related to the youth's suspected disability, assess how the disability impacts the youth's education, and identify needed services.

The declaration of 504 eligibility must document the existence of a disability and how it substantially limits the youth's performance in a major life activity.

The committee must develop the student accommodation plan for each eligible youth. The implementation of the plan must be the responsibility of the general education program.

The committee chairperson and youth's case manager must ensure that all staff responsible for the education of each eligible youth are knowledgeable and receive copies of the student accommodation plans.

The committee must complete an ongoing evaluation of the accommodation plan at least every two weeks.

The committee chair or designee must enter information into the Special Education/Section 504 Referral Report and the Section 504 Education Plan in the Juvenile Justice Information System and forward copies to the Bureau of Juvenile Justice education unit.

The committee must monitor the implementation of the accommodation plan and prepare progress reports each marking period for entry into the D5 section of the Strengths and Needs Assessment in the Juvenile Justice Information System.

The committee must provide the youth and the parent(s)/legal guardian with copies of each progress report.

AUTHORITY

Section 504 of the Rehabilitation Act of 1973, 29 USC 791 et seq.

The Americans with Disabilities Act of 1990, 42 USC 12101 et seq.

Individuals With Disabilities Education Improvement Act of 2004, 20 USC 1400 et seq.